

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
MINUTES

February 19, 2015

The meeting of the Arizona Prosecuting Attorneys' Advisory Council was called to order by the Chair, Sheila Polk, on Thursday, February 19, 2015, at 10:00 a.m. at the APAAC office located at 1951 W. Camelback Road, Suite 202, in Phoenix, Arizona.

COUNCIL MEMBERS PRESENT

Sheila Polk	APAAC Chair, Yavapai County Attorney	<i>left meeting at 11:50 a.m.</i>
Jon Smith	APAAC Vice-Chair, Yuma County Attorney (telephonic)	
John Belatti	Mesa City Prosecutor	
Baird Greene	Tucson City Prosecutor (telephonic)	
Vicki Hill	Interim Phoenix City Prosecutor (telephonic)	<i>left meeting at 11:15 a.m.</i>
Barbara LaWall	Pima County Attorney (telephonic)	
Brian McIntyre	Interim Cochise County Attorney	
Bill Montgomery	Maricopa County Attorney	
Tony Rogers	La Paz County Attorney	
Tobin Sidles	Oro Valley Town Prosecutor	
Matt Smith	Mohave County Attorney (telephonic)	
Lando Voyles	Pinal County Attorney	
P. Rob Walecki	Glendale City Prosecutor (telephonic)	

COUNCIL MEMBERS PRESENT BY PROXY

Ken Angle	Graham County Attorney Proxy Scott Bennett (telephonic)	<i>Joined meeting at 11:00 a.m.; left meeting at 11:55 a.m.</i>
Mark Brnovich	Arizona Attorney General Proxy Donald Conrad	
Brad Carlyon	Navajo County Attorney Proxy Jon Smith (telephonic)	
Derek Rapier	Greenlee County Attorney Proxy Sheila Polk	<i>left meeting at 11:50 a.m.</i>
Michael Whiting	Apache County Attorney Proxy Sheila Polk	<i>left meeting at 11:50 a.m.</i>

STAFF PRESENT

Elizabeth Ortiz	Executive Director
Kim MacEachern	Staff Attorney
Diana Cooney	Office Manager

GUESTS PRESENT

Anne Marie Bruno	Legislative Intern, Arizona Office of the Courts	
Aaron Carreon-Ainsa	Retired Phoenix City Prosecutor	<i>left meeting at 11:15 a.m.</i>

GUESTS PRESENT (continued)

Austin Hoopes	Community Liaison, Pinal County Attorney's Office
John Humphries	Arizona Summit Law School Fellow
Kathy McLaughlin	Executive Director, AZ Child & Family Advocacy Network
Sharon Oliva	Outreach Coordinator, AZ Child & Family Advocacy Network
Ed Rheinheimer	Retired Cochise County Attorney <i>left meeting at 10:50 a.m.</i>

CONSENT AGENDA

Ms. Sheila Polk presented the minutes from the January 16, 2015, Council meeting for consideration and approval by the Council. Mr. Donald Conrad made a motion, seconded by Mr. Tobin Sidles, to approve the minutes. Motion carried.

CHAIR'S REPORT

Ms. Polk recognized two former Council members: Retired Phoenix City Prosecutor Aaron Carreon-Ainsa and retired Cochise County Attorney Ed Rheinheimer. In honor of their service on the Council, Ms. Polk presented Mr. Carreon-Ainsa and Mr. Rheinheimer each with an engraved desk clock commemorating their dates of service.

EXECUTIVE DIRECTOR'S REPORT

Ms. Elizabeth Ortiz introduced Mr. John Humphries, a post-graduate Arizona Summit School of Law Fellow, who will be working at APAAC for several weeks before starting with the Phoenix City Prosecutor's Office.

Ms. Ortiz reported on a recent multi-disciplinary meeting of the TASA Workgroup, which was formed to update the state's existing elder abuse protocol. The purpose of the meeting was to formulate a plan to evaluate the aspects of the current protocol. The first step in the plan was to rename the program to be "Vulnerable Adult Exploitation and Abuse Protocol." Ms. Ortiz will provide updates of the workgroup's progress and any new developments.

As a member of the Judicial College Board, Ms. Ortiz suggested that Arizona Department of Correction's Director Charles Ryan speak at the 2015 Judicial Conference. Also, Ms. Ortiz learned the 2016 Judicial Conference date was changed, and no longer coincides with the dates for the 2015 APAAC Annual Prosecutor Conference. Ms. Ortiz is working with the Judicial College Board to ensure better coordination of future conference dates.

Ms. Ortiz and Ms. Kim MacEachern met with a representative of the Justice Clearinghouse, an organization providing criminal justice training webinars. APAAC is working on an agreement for next fiscal year to provide access to this web-based service for our prosecuting community at a reduced, flat membership fee.

Ms. Ortiz reminded Council that the Victim Advocate of the Year vote is slated for today's agenda, and the award will be presented at the March 6, 2015, Victim Advocate

Conference in Prescott. Ms. Ortiz also provided the following timelines for upcoming APAAC awards:

- April 11, 2015, is the deadline to submit nominations for the Legal Assistant of the Year Award, to be presented at the May 1, 2015, Legal Assistant Conference in Prescott;
- May 1, 2015, is the deadline to submit nominations for the Prosecutor of the Year Awards, to be presented on June 18, 2015, at the Prosecutor Conference;
- June 1, 2015, is the deadline to submit nominations for the Support Staff of the Year Award, to be presented at the July 31, 2015, Support Staff Conference in Prescott (rescheduled from May 10, 2015).

Ms. Ortiz will email Council members the information regarding the APAAC award nomination deadlines and conference dates.

STAFF ATTORNEY REPORT

Ms. MacEachern encouraged Council members to register and/or send staff to the Problem Solving Courts Conference on April 27-28, 2015, at the Prescott Resort.

Ms. MacEachern reminded Council of the Justice Clearinghouse's free webinar, "Problem Solving Courts: A Template for Changing Behaviors" on February 25, 2015, at 11:00 a.m. MST, co-sponsored by the Arizona Supreme Court, Arizona Association of Drug Court Professionals, and APAAC. A flyer was included as an agenda attachment.

ARIZONA'S FAMILY ADVOCACY CENTERS

Ms. Kathy McLaughlin, Executive Director of the Arizona Child and Family Advocacy Network (ACFAN), and Ms. Sharon Oliva, ACFAN Outreach Coordinator, gave a review of resources it provides for victims of sexual assault and domestic violence in Arizona, with the ultimate goal of justice for victims and their families. All centers in this member-based organization use National Child Alliance Center guidelines and evidence-based standards identified as Best Practices. Ms. McLaughlin stated that ACFAN statistics show more successful prosecutions, better criminal accountability, and safer communities. Ms. McLaughlin encouraged Council members to visit www.ACFAN.net, update their own protocols, train their agency staff, and showcase their local centers. In addition to the agenda attachment, informational ACFAN handouts were distributed.

FINANCE COMMITTEE REPORT

Ms. Polk presented APAAC's financial reports for December 2014 for review and approval. Mr. Bill Montgomery made a motion, seconded by Mr. Sidles, to approve the December 2014 financial reports. Motion carried.

Ms. Ortiz presented the Finance Committee's recommendation to approve a proposal to include in APAAC's FY2015-16 budget the per diem cost of meals for in-county attendees at the 2015 APAAC Prosecutor Conference. Ms. Ortiz stated that Council had previously approved APAAC's covering the cost of in-county attendees staying at the conference hotel, and now APAAC staff is recommending payment for the cost of

meals for in-county attendees staying at the conference hotel. While costs associated with this proposal will affect next year's budget, APAAC needs a decision now to include the meal reimbursement information in its conference material that is soon to be published and printed. Mr. Conrad made a motion, seconded by Mr. John Belatti, to approve per diem rate payment of in-county attendee meals at the 2015 APAAC Prosecutor Conference. Motion carried.

Ms. Ortiz shared with Council the Finance Committee's approved reallocation of realized savings in APAAC's current personnel budget to use for hiring temporary staffing that will assist with special projects related to scanning paper files to computer storage, as well as website management and upcoming seminar-related tasks.

2015 APAAC VICTIM ADVOCATE OF THE YEAR AWARD

Ms. Ortiz announced the 2015 Victim Advocate of the Year Award nominees. A roll call vote of the Council members was taken to determine the winner, who will be announced at the APAAC Victim Advocate Conference on March 6, 2015, in Prescott.

LEGISLATIVE POLICY COMMITTEE REPORT

Mr. MacEachern presented the following bills from the Legislative Policy Committee (LPC), categorized by "LPC recommended" position in the agenda:

LPC Recommends SUPPORT Position:

Ms. MacEachern identified H2164 as already approved at a prior Council meeting, and asked that it be pulled from the current list to be considered for a vote.

Mr. Montgomery requested H2294 be pulled from the vote, for discussion.

Mr. Sidles made a motion, seconded by Mr. Brian McIntyre, for APAAC to have a SUPPORT position as recommended by LPC, with the exception of H2294, on those bills listed below. Motion carried.

H2087 - Sex Offender Registration; Address Verification (DPS)	SUPPORT
H2164 - Release; Bailable Offenses; Evidence (PCAO)	SUPPORT
H2203 - Post-conviction Release Hearings; Recordings; Free	SUPPORT
H2204 - Criminal Restitution Order; Courts	SUPPORT
H2205 - Traffic Offense; Restitution	SUPPORT
H2289 - Repetitive Offenders; Sentencing (MCAO)	SUPPORT
H2290 - Notice of Prisoner Release Date	SUPPORT
H2294 - Courts Approved Screening, Treatment Facilities	SUPPORT
H2299 - Sexual Offenses; Definitions; Defenses (MCAO)	SUPPORT
H2300 - Firearms; Prosecutors; Law Enforcement Officers (MCAO)	SUPPORT
H2301 - Historical Prior Felony Conviction; Sentencing (MCAO)	SUPPORT
H2304 - Aggravated Assault; Simulated Deadly Weapon (MCAO)	SUPPORT
H2307 - Court-Ordered Treatment; Hearings (MCAO) Take Meds	SUPPORT
H2432 - Arizona First Responders Day	SUPPORT
H2517 - Internet Crimes Against Children; Fund	SUPPORT

H2553 - Human Trafficking Victim; Vacating Conviction (striker)	
Vacating the conviction of a sex trafficking victim; 5 requirements	SUPPORT
H2640 - Dependency; Households; Domestic Violence	SUPPORT
S1294 - Victim Compensation Fund; Medical Bills (ACJC)	SUPPORT
S1295 - Finger Printing Judgment of Guilt	SUPPORT
S1315 - Incompetent & Dangerous Defendants; Treatment	SUPPORT
S1373 - Criminal Justice Information; Access (ACJC)	SUPPORT
S1381 - Private Person Arrest; Duties	SUPPORT

H2294-Courts Approved Screening; Treatment Facilities: Mr. Montgomery asked for clarification of H2294, which Ms. MacEachern provided. Mr. Sidles made a motion, seconded by Mr. Conrad, for APAAC to have a SUPPORT position on H2294, as recommended by LPC. Motion carried.

LPC Recommends OPPOSE Position:

H2047-Child Removal; Supervisor Review; Approval. This bill was amended at the legislature after LPC recommended to oppose; as a result, Mr. Montgomery suggested APAAC take a neutral position. Mr. Jon Smith made a motion, seconded by Mr. Montgomery, for APAAC to have a NEUTRAL position on H2047. Motion carried.

H2088-Mental Health; Veteran; Homeless Courts (AOC) (striker) Definitions. Mr. McIntyre made a motion, seconded by Mr. Montgomery, to strike H2088 from the list of bills for consideration by the Council. Motion carried.

H2310-Mental Health Courts; Establishment. Mr. Lando Voyles made a motion, seconded by Mr. Belatti, for APAAC to OPPOSE H2310. Motion carried.

H2320-Firearms; Permit Holders; Public Places. Mr. Belatti made a motion, seconded by Mr. McIntyre, for APAAC to OPPOSE H2320. Mr. Montgomery stated the bill's reference to a "public establishment" is too broad and recommended Ms. MacEachern make a comment to that effect when signing in on behalf of APAAC. Mr. Belatti accepted the friendly amendment. Motion carried.

H2429-Livestock; Poultry; Animal Cruelty; Violation. Mr. Sidles made a motion, seconded by Mr. Belatti, for APAAC to OPPOSE H2429. Motion carried.

H2509-Aggravated Assault; Firearms. Mr. Sidles made a motion, seconded by Mr. McIntyre, for APAAC to OPPOSE H2509. Motion carried.

S1064-Service of Process; Regulation (AOC). Mr. Montgomery made a motion, seconded by Mr. Voyles, for APAAC to OPPOSE S1062 if it involves criminal cases. Motion carried.

S1170- ~~Forfeitures; Annual Report~~ (striker) County website; required website link. Mr. Montgomery made a motion, seconded by Mr. Voyles, for APAAC to OPPOSE S1170 even as amended. Motion carried.

S1190-Immunity; Underage Drinking; Reporting. Mr. Sidles made a motion, seconded by Mr. Belatti, for APAAC to OPPOSE S1190. Motion carried.

S1300-Law Enforcement Officers; Body Cameras. Mr. Sidles made a motion, seconded by Mr. Montgomery, for APAAC to OPPOSE S1300 except for the public records portion which is currently being refined. Motion carried.

S1331-Electronic Data; Metadata; Prohibited Collection. Mr. Montgomery made a motion, seconded by Mr. Voyles for APAAC to OPPOSE S1331. Motion carried.

S1467- ~~Law Enforcement Officer Rights~~ (striker) Peace officers bill of right; preemption; attorney general. Mr. Voyles made a motion, seconded by Mr. Sidles, for APAAC to OPPOSE S1467. Motion carried.

SCR1002-Supreme Court; Procedural Rules; Amendment. Mr. Montgomery made a motion, seconded by Mr. McIntyre, for APAAC to OPPOSE SCR 1002. Motion carried.

LPC Recommends INFO. Position:

Mr. Sidles made a motion, seconded by Mr. Conrad, for APAAC to have an "INFORMATION ONLY" position on the bills in the INFO list below, as LPC recommended. Motion carried.

H2085 - Private Investigators; Security Guards; Regulation	INFO
H2086 - Fingerprint Clearance Cards; Omnibus (DPS)	INFO
H2089 - Aggravated Assault; Elected Officials (AOC) Amendment	INFO
H2100 - DCS Employee Personal Info; Confidentiality	INFO
H2123 - Competency Restoration; Treatment; Costs	INFO
H2126 - Department of Public Safety Divisions	INFO
H2139 - Controlled Substances; Schedules	INFO
H2143 - Personal Disguises; Crime Evasion	INFO
H2166 - DCS Information; Egregious Abuse; Neglect	INFO
H2221 - Driver License Suspension; Photo Radar	INFO
H2239 - Police Reports; Victims; Attorneys	INFO
H2272 - Law Enforcement Officers; Firearm Purchase	INFO
H2291 - Probation Standards; Annual Report; Counties	INFO
H2296 - Adoption Petition; County Attorney (MCAO)	INFO
H2322 - Misbranded Drugs; Counterfeit Marks; Offense	INFO
H2399 - G&F; Hunter Harassment	INFO
H2410 - Municipalities; Traffic Citation Quota; Prohibition	INFO
H2431 - Uniform Firearms Transfer Compact	INFO
H2438 - Post - Traumatic Stress Disorders; Public Safety	INFO
H2490 - Sexually Violent Persons; Reimbursement; Repeal	INFO
H2498 - Reporting; Prisoners; Solitary Confinement	INFO
H2527 - Prohibited Laws; Rules; Ordinances; Firearms	INFO
H2561 - Unlawful Distribution of Private Images	INFO
H2564 - Photo Radar Law Enforcement Operation	INFO

H2648 - Vapor Products; Marketing; Labeling; Minors	INFO
H2662 - Speed Restrictions; Penalties	INFO
S1035 - Domestic Violence Treatment Programs; Providers (AOC?)	INFO
S1050 - Animal Abuse; Prohibited Animal Ownership	INFO
S1063 - Obstructing a Highway; Public Thoroughfare	INFO
S1069 - Ordinances; Businesses; Prohibited Security Requirements	INFO
S1102 - Text Messaging While Driving; Prohibition	INFO
S1116 - Fines; Fees; Costs; Community Restitution	INFO
S1132 - Anti-Racketeering Revolving Fund; Equine Care	INFO
S1145 - Restoration to Competency; State Costs	INFO
S1159 - Out of Wedlock; Fathers' Rights	INFO
S1167 - Photo Radar; Prohibition	INFO
S1180 - Traffic Accidents; Reports; Damage Amount	INFO
S1186 - Fallen Correctional Employees Memorial	INFO
S1195 - Searches; Electronic Devices; Biometrics; Warrants	INFO
S1198 - Impounded Cats; Waiting Period; Applicability	INFO
S1314 - Domestic Violence; Arrest; Predominant Aggressor (Coalition)	INFO
S1384 - Federal Search; Seizure; Sheriff; Permission	INFO
S1386 - Wildlife Transportation & Release Prohibition	INFO
S1390 - Prisoner Transition Program; Eligibility	INFO
S1425 - Sexual Assault Victim Advocate; Privilege	INFO
S1445 - Public Records; Peace Officers Name	INFO

LPC Recommends NEUTRAL Position:

H2098-Department of Child Safety. Mr. Montgomery made a motion, seconded by Mr. Conrad, for APAAC to have a NEUTRAL position as recommended by LPC on H2098. Motion carried.

To DIRECT - Ms. MacEachern indicated that LPC did not make recommendations in committee for the bills listed as DIRECT, namely:

S1291-Firearms; State Preemption; Penalties. Mr. Montgomery made a motion, seconded by Mr. Sidles, for APAAC to take an INFORMATION ONLY position on S1291. Motion carried.

S1330-Second amendment violations; prohibited activities; state treasurer; prohibited money transfers; civil penalties; classification (striker). Mr. Montgomery made a motion, seconded by Mr. McIntyre, for APAAC to OPPOSE S1330. Motion carried.

S1460-Setting Aside Conviction; Firearm Possession. Mr. Montgomery made a motion, seconded by Mr. Sidles, for APAAC to OPPOSE S1460. Motion carried.

New Bills/Amendments/Strikers - Ms. MacEachern presented new bills for Council consideration and recommendation, namely:

H2632- ~~Dog tethering~~ (striker) Unlawful dog tethering; classification. Mr. Montgomery made a motion, seconded by Mr. McIntyre, for APAAC to OPPOSE H2632. Motion carried.

S1075- ~~Insurance; unfair claim settlement practices~~ (striker) Human rights committee on the mentally ill in prison; committee termination. Mr. Voyles made a motion, seconded by Mr. Montgomery, for APAAC to OPPOSE S1075. Motion carried.

S1224- ~~Municipalities; counties; prohibited security requirements~~ (Striker) Tail lamps. Mr. Sidles made a motion, seconded by Mr. Montgomery, for APAAC to SUPPORT S1224. Motion carried.

S1294- ~~Victim compensation fund; medical bills~~ (Striker) Personal information; court dispositions; public records. Mr. Sidles made a motion, seconded by Mr. Montgomery, for APAAC to take an INFORMATION ONLY position, with the option to SUPPORT if the language is revised with regard to its implementation. Motion carried.

S1328-Eligibility verification; public programs. Mr. Sidles made a motion, seconded by Mr. Belatti, for APAAC to take an INFORMATION ONLY position on S1328. Motion carried.

BEST PRACTICES COMMITTEE REPORT

Mr. Tobin Sidles referred the Council to the APAAC seminar report showing the number of sponsored trainings in January 2015 (7) and February 2015 (7); including ten "What You Do Matters, Lessons from the Holocaust" trainings.

Ms. Ortiz announced that the Best Practices Committee recommended moving APAAC's Annual Prosecutor Conference for 2017-2019 to the Arizona Grand Resort in Phoenix, marking its first time in Maricopa County. The agenda attachment provided a three-year comparison of conference venue proposals and an estimate of travel costs for the various conference venues, offering two options (including or excluding meals for in-county attendees who stay at the conference hotel).

Mr. Conrad made a motion, seconded by Mr. Sidles, recommending APAAC's Executive Director proceed with a contract for Arizona Grand Resort & Spa in Phoenix to host its Annual Prosecutor Conference for three consecutive years (2017-2019). Discussion ensued. Mr. Baird Greene offered a friendly amendment to the motion for APAAC to contract only for two years (2017 and 2018) with Arizona Grand Resort, and then return for the third year (2019) to Starr Pass Resort in Tucson. Mr. Conrad did not accept the friendly amendment. Original motion carried.

NATIONAL DISTRICT ATTORNEY'S ASSOCIATION (NDAA) REPORT

Ms. Ortiz reported that APAAC was represented at the NDAA Capital Conference in Washington, D.C., on February 9-11, 2015, by Mr. Voyles and herself, in addition to Deputy Pima County Attorneys Amelia Cramer and Kellie Johnson. The group met with Arizona's Congressmen on February 10, 2015, to discuss important legislative and policy issues.

CALL TO THE PUBLIC

Ms. Ortiz announced on behalf of Ms. Polk that the next session of the Best Practices Regional meeting is scheduled for March 3-4, 2015, at the Maricopa County Security Building. APAAC Council members and chiefs are invited to attend. APAAC is assisting with the administration of the meeting.

NEXT COUNCIL MEETING

The next Council meeting will be held on Friday, March 27, 2015, at 1:00 p.m. in the APAAC Office.

ADJOURNMENT

Ms. Ortiz declared the meeting adjourned at 12:34 p.m.